

REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends Claims 10-14, 16, and 17. Applicant does not cancel any claims or add new claims.

Claims 16 and 21-14 were withdrawn, with traverse, in response to the Examiner's request for an election of claims (Office Action of May 16, 2005). As the Examiner considers the withdrawn claims in the current Office Action, Applicant interprets the Examiner's action as withdrawing the election requirement. Accordingly, Claims 1-24 are pending.

1. In the Specification

Applicant amends the title of the specification to more clearly describe the invention to which the claims are directed. The amended title is "A MAGNETIC RESONANCE DETECTOR FOR DETECTING NON-AUTHORIZED MATERIALS IN FOOTWEAR." Approval of the amended title is respectfully requested.

In regard to the SUMMARY OF THE INVENTION section, Applicant replaces the entire summary section at pages 2-6 with the replacement paragraphs, as presented above, to concisely describe the subject matter of the invention as requested by the Examiner. Approval of the amended summary is respectfully requested.

2. Claims Objections

Applicant amends Claims 11-14 to correct a typographical error by replacing "RE" with "RF." Approval of the amended summary is respectfully requested.

3. Claims Rejected Under 35 U.S.C. § 112

Applicant amends Claims 10 and 16 to remove the terms objected to by the Examiner. Specifically, the terms "a very high number of turns," "a lower inductance," "suitable," and "low

RF losses” are deleted. Applicant also amends Claim 17 to correct a typographical error by replacing “NP” with “RF.” Approval of the amendment is respectfully requested.

4. Claims Rejected Under 35 U.S.C. § 103

Claims 1-9, 11-15, 17-18 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,750,653 issued to Zou et al (“Zou”) in view of U.S. Patent No. 5,233,300 issued to Buess et al. (“Buess”). Applicant respectfully traverses the rejection.

To render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claims 1 recites the elements of:

“a supporting base (100) designed to receive a single foot wearing a shoe, of an individual to be inspected;

detector means (430, 450, 460) adapted to detect a target material by employing at least one magnetic resonance technique to detect said non-authorized material and associated with the support base (100) ; and

position-identifying means (400) on the support base (100) suitable for imposing accurate positioning of the foot of the individual being inspected relative to the detector means.”

Zou does not disclose a supporting base designed to receive a single foot wearing a shoe. Zou describes a magnetic resonance imaging (MRI) system for use on a human leg having a knee, an ankle and a foot (see abstract of Zou). The device described in Zou comprises a supporting base (10), detector means (24) and position identifying means (e.g., coil ID switch, knee coil ID, foot coil ID) (see FIGs. 1 and 4 of Zou). However, the supporting base (10) of Zou is not designed to receive a foot wearing a shoe. On the contrary, the supporting base described in Zou is designed to receive a foot without its shoe (see FIG. 1, column 4 lines 19-21 and lines 28-29 of Zou).

Moreover, the detector means (24) of Zou are not adapted to detect a target material. Zou teaches that the MRI system utilizes hydrogen nuclear spins of the water molecules in the human body (column 1, line 14-15), and thus is directed at producing an image of the human body. Thus, Zou’s MRI system is not suitable for detecting target materials.

Finally, the position identifying means (e.g., coil ID switch, knee coil ID, etc.) described in Zou are not positioned on the support base, but in the support base. Thus, the position identifying means taught by Zou cannot impose as accurate positioning of the foot as the claimed device having the position identifying means on the support base.

Additionally, the position identifying means taught by Zou are used for identifying removable portions of the device (FIG. 4, column 3 lines 16 to 25). Thus, Zou's position identifying means are not suitable for identifying the position of a foot relative to the detector means.

Buess does not cure the defect of Zou. The Examiner relies on Buess for disclosing the shoe and the detection of non-authorized materials. However, there is nothing in the disclosure of Buess that mentions detecting the non-authorized materials in a shoe worn by a person. The detector taught by Buess does not have a position identifying means on a support base to impose accurate positioning of the foot. Thus, Zou in view of Buess does not teach or suggest each of the elements of Claim 1.

Moreover, a person skilled in the art would not be motivated to consider the teaching of Zou when facing the problem of detecting non-authorized materials in the shoe of an inspected person. The aim of Zou's device is to image the foot and the ankle of an individual by magnetic resonance. Thus, the detector means of Zou is totally different from the detector means of the claimed device with respect to its purpose and function. The claimed supporting base and the position identifying means compared to the ones taught by Zou are also totally different. Thus, a skilled person would not be motivated to consider the teaching of Zou to achieve the claimed device of Claim 1.

Further, the aim of Buess' device is to provide a system for detecting a class of explosives and narcotics. A skilled person would not be motivated to combine Zou with Buess, as their devices have different purposes and work in different ways. Thus, the Examiner has used impermissible hindsight in view of the cited references and Applicant's disclosure in making the combination to achieve the claimed device. Thus, the combination of Zou and Buess is inapposite.

Further, even by combining those cited references, a skilled person would not obtain the claimed device. Neither Zou nor Buess describes a system wherein the supporting base is

designed to receive a foot wearing a shoe, or a position identifying means on the support base suitable for imposing accurate positioning of the foot of the individual being inspected.

Thus, Applicant respectfully requests that the Examiner consider the specific features of the supporting base, detector means, and position identifying means recited in claim 1.

At least for the reasons mentioned above, Zou in view of Buess does not render Claim 1 obvious. Accordingly, reconsideration and withdrawal of the rejection of Claim 1 are respectfully requested.

Claims 2-9, 11-15, 17-18 and 21 depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 1, Zou in view of Buess does not teach or suggest each of the elements of these dependent claims. Accordingly, reconsideration and withdrawal of the rejection of Claims 2-9, 11-15, 17-18 and 21 are respectfully requested.

5. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claims 19-20 and 22-24 would be allowable if rewritten in an independent form. Claims 19-20 and 22-24 depend from Claim 1 and incorporate the limitations thereof. Applicant respectfully submits that as Claim 1 is in condition for allowance for the reasons mentioned above, its dependent claims should also be allowable. Accordingly, reconsideration and withdrawal of the objection of Claims 19-20 and 22-24 are requested.

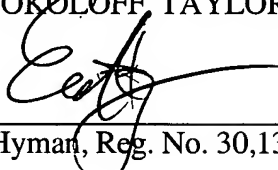
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-24 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF TAYLOR, & ZAFMAN LLP

Dated: 10/7/05

By: 
Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
Telephone (310) 207-3800
Facsimile (310) 820-5988

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea Costello 10/7/2005
Andrea Costello Date